

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

400U0225

SENATE BILL NO. 43

Introduced by: The Committee on Judiciary at the request of the Department of Public Safety

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the crossing of a
2 railroad and to revise the penalty for certain railroad crossing violations by the driver of a
3 commercial motor vehicle.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 32-29-4 be amended to read as follows:

6 32-29-4. If any person driving a vehicle approaches a railroad grade crossing and a law
7 enforcement officer or a clearly visible or audible signal gives warning of the immediate
8 approach of a railway train or car, ~~he~~ the driver shall bring such vehicle to a complete stop
9 within fifty feet but not less than fifteen feet from the nearest rail of such railroad and may not
10 proceed until ~~he~~ the driver can do so safely. A violation of this section is a Class 2
11 misdemeanor.

12 Section 2. That chapter 32-29 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 The driver of any commercial motor vehicle, as defined in subdivision 32-12A-1(5), when
15 approaching a railroad grade crossing shall:



- 1 (1) If not required to stop pursuant to § 32-29-5, slow down when approaching a crossing
2 and check that the railroad tracks are clear of an approaching train before proceeding;
- 3 (2) If not required to stop pursuant to § 32-29-5, stop before reaching a crossing if the
4 railroad tracks are not clear;
- 5 (3) Refrain from proceeding through a crossing if sufficient space is not available to
6 drive completely through the crossing without stopping; and
- 7 (4) Ensure there is sufficient undercarriage clearance before negotiating a crossing.

8 A violation of the provisions of this section is a Class 2 misdemeanor.

9 Section 3. That § 32-12A-59 be amended to read as follows:

10 32-12A-59. Any person is disqualified from driving a commercial motor vehicle for a period
11 of sixty days if convicted, while driving a commercial motor vehicle, of a first violation of § 32-
12 29-4, 32-29-5, 32-29-7, 32-29-8, ~~or~~ 32-29-9, or section 2 of this Act.

13 Section 4. That § 32-12A-60 be amended to read as follows:

14 32-12A-60. Any person is disqualified from driving a commercial motor vehicle for a period
15 of one hundred twenty days if convicted during any three-year period, while driving a
16 commercial motor vehicle, of a second conviction or any combination of convictions of § 32-
17 29-4, 32-29-5, 32-29-7, 32-29-8, ~~or~~ 32-29-9, or section 2 of this Act in separate incidents.

18 Section 5. That § 32-12A-61 be amended to read as follows:

19 32-12A-61. Any person is disqualified from driving a commercial motor vehicle for a period
20 of one year if convicted during any three-year period, while driving a commercial motor vehicle,
21 of a third or subsequent conviction or any combination of convictions of § 32-29-4, 32-29-5,
22 32-29-7, 32-29-8, ~~or~~ 32-29-9, or section 2 of this Act in separate incidents.